

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Nutholt Lane, Ely on Wednesday, 15th July 2015 at 9.40am.

P R E S E N T

Councillor Elaine Griffin-Singh (Chairman)
Councillor Christine Ambrose Smith
Councillor Sue Austen
Councillor Vince Campbell
Councillor Paul Cox
Councillor Neil Hitchin
Councillor Julia Huffer
Councillor Chris Morris

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Solicitor
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes –Democratic Services Officer

13. APOLOGIES

Apologies were received from Councillors Mike Bradley, Mike Rouse and Carol Sennitt.

14. DECLARATIONS OF INTEREST

Councillor Chris Morris declared a personal interest due to the location of the Conservative Group offices.

15. MINUTES

Councillor Elaine Griffin-Singh noted a couple of errors in the minutes of 17th June 2015: page 4 paragraph 3 the word 'it' should be replaced with the word 'in'; page 5 paragraph 1 the last sentence should be deleted, as it was a duplication.

Within those same minutes there was some conflict where two sentences, in paragraphs 5 and 13 of item number 7, appear to contradict each other when referring to public consultations. To clarify the issue, the Chairman read the following statement:

The advice given by the Solicitor was intended to reflect the fact that the Government produces a "Best Practice Consultation Principles" document where it considers that persons likely to be affected by changes to a policy should be consulted where appropriate, whereas paragraph 13 is intended to

reflect the fact that the Annual Boarding Establishment Act 1963 does not contain a statutory requirement to consult like some other pieces of legislation do.

The minutes, with these amendments, were agreed.

It was resolved:

That the Minutes of the Licensing Committee meeting held on 28th May 2015 and 17th June 2015, as amended, be confirmed as correct records and be signed by the Chairman.

16. **CHAIRMAN'S ANNOUNCEMENTS**

- The Chairman reminded the Committee, that its meeting would be followed by a Licensing Sub-Committee, which was due to start at 10:30am.

17. **LICENSING ACT 2003 LICENSING AUTHORITY STATEMENT OF LICENSING POLICY – FIVE YEAR REVISION**

The Committee considered a report, (Q28) previously circulated, which detailed the draft revised version of the Council's Statement of Licensing Policy.

The Senior Licensing Officer advised the Committee that the issue was to approve the proposed new draft version of the Statement of Licensing Policy, as detailed in Appendix 1, and the public consultation on it. The 2003 Act required that the Policy be reviewed every five years and there was a requirement to consult on any revisions. The Policy, once agreed after the consultation period, would have to go to full Council for approval. The current Policy had been in place since 2011 and there was no need for major changes to it. The updates within the draft versions reflected legislative changes, which included some re-wording and removal of some items, and there was also some slight reformatting.

The results of the consultation would be brought back to this Committee in September, for referral on to full Council. There were no financial implications or any adverse impacts on the community.

Councillor Chris Morris offered thanks to the Senior Licensing Officer for preparing this revised document.

It was resolved:

- (i) That the draft version of the Statement of Licensing Policy at Appendix 1 be approved;
- (ii) That a statutory public consultation takes place on the draft Statement of Licensing Policy from 16 July 2015 to 27 August 2015 in accordance with the Licensing Act 2003.

18. **GAMBLING ACT 2005 LICENSING STATEMENT OF PRINCIPLES – THREE YEAR REVIEW**

The Committee considered a report, (Q29) previously circulated, which detailed the draft revised version of the Council's Gambling Act 2005 – Statement of Principles for Licensing.

The Senior Licensing Officer advised the Committee that the issue was to approve the proposed new draft version of the Statement of Principles, as detailed in Appendix 1, and the public consultation on it. The Council were required to prepare a Statement and review it when necessary. The standard review period was three years and this would be the fourth time this Statement had been reviewed. The current Statement was very satisfactory, therefore there was no need for any major changes. However, the Gambling Commission document of the code of practice had been amended, so this was reflected in the revised Statement.

The results of the public consultation would be reported back to this Committee in September, for referral on to full Council in October. There were no financial implications or any adverse impacts on the community.

It was resolved:

- (i) That the draft version of the Gambling Act 2005 – draft Statement of Principles for Licensing at Appendix 1 be approved;
- (ii) That a statutory public consultation takes place on the draft Statement of Principles for from 16 July 2015 to 27 August 2015 in accordance with the Gambling Act 2005.

19. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (AS AMENDED BY THE DEREGULATION ACT 2015) – HACKNEY CARRIAGE AND PRIVATE HIRE FEES**

The Committee considered a report, (Q30) previously circulated, which detailed the proposed new three year driver's licence application and renewal fee, the proposed new five year operator's licence, the public notice for publication and the amendment of the private hire guide book.

The Senior Licensing Officer advised the Committee that the issues were to approve the proposed new three-year driver's licence application and renewal period, the proposed new five-year operator's licence application and renewal period and the public notice. There was one figure that needed amending in the table under 1.2 of the report: the figure £129.00 for the three year fee for driver renewals should read £146.00. The public notice would be used to invite comments from the public.

Under the 1976 Act, licences for drivers could be renewed every 3 years and for operators every 5 years, though local authorities could decide to renew

them at lesser periods, so this Council had renewed them annually. Now the Council was obliged to offer them in 3-year and 5-year periods respectively and could not have a blanket policy for all cases. There was still the possibility to offer 1-year licences but this now had to be done on a specific case basis. The Act also requires a public notice to be published if the fee levels were over £25. Any objections following the publication of this notice would be reported back to the Committee.

Fee setting was a complex business, as the Licensing Services had to be cost-neutral. So the fees set for drivers and operators had to be appropriate for the costs of taxi licensing only. This meant that the costs breakdowns had to be looked at but unfortunately, given the legislative timetable, this year's figures have had to be estimated. During this year a full cost analysis would be done ready for next year. The new fees would mean a reduction for drivers and operators but they would have to pay the fee in full, as staggered payments were not allowed. This could mean that there could be a deficit if the fees had not been set at the right level. The deficit could be recovered in the long-term.

Members of the taxi trade had been invited to meetings next Monday to discuss the changes and proposals, as it was important they be kept informed.

Councillor Elaine Griffin-Singh wondered whether the fee levels would decrease once any deficit had been recouped. The Senior Licensing Officer stated that the guidance suggested that if there was a surplus of around 20% then the people paying would be offered a refund. Fee setting was not an exact issue, as they were constantly changing to reflect changes in costs and other matters. The first year deficit was expected to be quite minor but the fee levels would be looked at over the three year period.

Councillor Chris Morris asked whether direct debit payments could be used to help drivers pay for their licences. The Committee was reminded that the fee was payable in full when granting the licence.

Councillor Julia Huffer queried what would happen if an operator received a 5-year licence but then subsequently there were problems. The Senior Licensing Officer explained that the licence fees were charged to cover the Council's administration costs and for any investigations or inspections. The Licensing Officer would complete annual inspections and any complaints would be dealt with in the normal way. So the Council would still suspend a licence or prosecute where required and this would not be affected by the granting of the 5-year licence. The drivers would still have the same obligations as before and the trade would still be monitored.

It was resolved:

- (i) That the proposed figures (as amended) contained in the report be approved;

- (ii) That Officers publish a public notice containing the approved figures inviting comments in accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976;
- (iii) That Officers amend the taxi and private hire guide to reflect the changes created by the Deregulation Act 2015.

20. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan. The Environmental Services Manager advised the Committee that the consultation results for the two policies looked at during this meeting would be brought back to this Committee in September plus the follow up report on Home Boarding for Dogs, so these needed to be added to the agenda plan.

The Senior Licensing Officer suggested bringing information items to the Committee, so it would have an insight into the continuing work of the Licensing Department.

The forward agenda plan, with verbal updates given in the meeting, was received.

The meeting closed at 10.19am.